

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SS-15 NSC-05 DODE-00

CIAE-00 PM-03 INR-05 ACDA-05 NSAE-00 PA-01 RSC-01

PRS-01 SP-02 TRSE-00 SAJ-01 SSO-00 NSCE-00 INRE-00

USIE-00 /064 W

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O R 271320Z NOV 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9415

INFO AMEMBASSY BONN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

USMISSION BERLIN

C O N F I D E N T I A L GENEVA 7185

E.O. 11652: GDS

TAGS: PFOR CSCE XG

SUBJ: CSCE: QUADRIPARTITE RIGHTS DISCLAIMER

REFS: A) BONN 17872 B. GENEVA 6933 C) STATE 253746

1. SUMMARY. AT MEETING OF BONN GROUP DELS HERE, FRG REP SAID HIS GOVERNMENT WOULD HAVE PROBLEMS WITH DISCLAIMER TEXT PREFERRED BY DEPARTMENT (REF C). DISCUSSION PRODUCED DELEGATION-LEVEL AGREEMENT ON NEW TEXT. ALL FOUR DELEGATIONS WISH TO MOVE PROMPTLY AND TO AVOID FURTHER DELAY IN RESPONDING TO SOVIETS ON THIS ISSUE. REQUEST GUIDANCE IN TIME FOR MEETING SCHEDULED HERE AT 11:00 AM WASHINGTON TIME THURSDAY, NOVEMBER 28. END SUMMARY.

2. BONN GROUP COUNTRY HEADS OF DELS MET TUESDAY AFTERNOON AT REQUEST OF NEW FRG DEL CHIEF (BLECH) TO DISCUSS FOUR POWER RIGHTS TEXT FOR DECLARATION. BLECH EXPLAINED THAT
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HIS DELEGATION FELT DISCUSSION OF THIS SUBJECT SHOULD

PROCEED IN GENEVA.

3. FRENCH DEL HEAD (ANDREANI) STARTED DISCUSSION BY REVIEWING BACKGROUND OF THE TWO TEXTS SET FORTH PARA1 OF REF A, REFERRED TO HEREIN AS TEXTS I AND II IN THE ORDER IN WHICH THEY APPEAR IN REF A. TEXT I HAD BEEN PRODUCED BY SOVIETS AFTER FRENCH TALKS WITH SOVIETS CONCERNING ORIGINAL BONN GROUP TEXT. SOVIETS WANTED ADDITION OF "OBLIGATIONS" TO "RIGHTS" (BUT ACCEPTED "RESPONSIBILITIES") AND A LINK BETWEEN SUCH RIGHTS AND RESPONSIBILITIES AND FOUR POWER TREATIES, AGREEMENTS AND ARRANGEMENTS, TEXT II WAS PRODUCED BY FRENCH AS REPORTED REF B AFTER SAUVAGNARGUES' DISCUSSIONS WITH GENSCHER. FRENCH SAID THEY COULD LIVE WITH EITHER TEXT.

4. BLECH EXPLAINED THAT HIS DELEGATION STRONGLY FAVORED TEXT I AND ADMITTED THAT FRG HAD BEEN INDIRECTLY RESPONSIBLE FOR IT. WORD "CORRESPONDING" IN TEXT II WAS CLOSELY IDENTIFIED POLITICALLY WITH FOUR POWER RIGHTS. FRG WISHED TO AVOID IMPRESSION THAT CSCE WAS A "CONFERENCE ON GERMANY" AND THUS PREFERRED A DISCLAIMER THAT, PRESENTATIONALLY, WOULD SEEM TO APPLY TO ALL PARTICIPANTS. "REFLECTED", AS IN TEXT I, IS A BROADER WORD AND HAS BEEN USED, BLECH EXPLAINED, BY THE THREE POWERS AND FRG AT UN IN STATEMENTS REFUTING NUMEROUS SOVIET CHALLENGES TO FRG RIGHT TO REPRESENT BERLIN. IN ADDITION TEXT II WAS NOT SATISFACTORY BECAUSE IT DID NOT COVER ALL POST WAR AGREEMENTS (SEE PARA 2 REF A). FRG FEELS THAT ITS MOSCOW, POLISH, AND GDR TREATIES MUST BE CLEARLY COVERED BY FORMULATION. TEXT I, BY ADDRESSING TREATIES ETC., FIRST, CLEARLY COVERED ALL TREATIES ETC. OF ALL PARTICIPANTS, THUS SOLVING BOTH FRG PROBLEMS.

5. UK REP ARGUED THAT THE ORDER OF ELEMENTS IN TEXT II WAS PREFERABLE (I.E., REFERENCE INITIALLY TO RIGHTS AND THEN TO TREATIES ETC.) SINCE TEXT I COULD BE READ TO BE LIMITED ONLY TO QRR'S REFLECTED IN TREATIES, AGREEMENTS AND ARRANGEMENTS. BLECH RESPONDED THAT BONN GROUP HAD CONSIDERED THIS PROBLEM BUT HAD DECIDED THAT 1972 QUADRIPARTITE DECLARATION WAS AN "ARRANGEMENT" WHICH REFERRED TO ALL QRRS
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SO THAT ALL QRRS ARE PROTECTED INDIRECTLY BY TEXT I. UK REP SAID HE WOULD EXAMINE THIS LINE OF ANALYSIS.

6. US REP SAID THAT HE WAS AUTHORIZED TO ACCEPT TEXT II, BUT THAT FURTHER INSTRUCTIONS WOULD BE SOUGHT. AS TO TEXT I, US ALSO POINTED OUT, PER REF C, THAT TREATIES, AGREEMENTS AND ARRANGEMENTS SHOULD ALL BE IN CONFORMITY WITH INTERNATIONAL LAW TO AVOID CREATING BREZHNEV DOCTRINE LOOPHOLE. OTHER

DELS STATED THEY COULD ACCEPT THIS CHANGE BUT BLECH POINTED OUT THAT TEXT II PROVIDES ITS OWN BREZHNEV DOCTRINE LOOPHOLE BY REFERRING TO THE LACK OF EFFECT OF DECLARATION GENERALLY ON "RESPONSIBILITIES" OF STATES (READ SOCIALIST DUTY TO INTERVENE) WHEREAS TEXT I AVOIDS THIS PROBLEM BY REFERRING ONLY TO RESPONSIBILITIES REFLECTED IN AGREEMENTS, ETC. IN CONFORMITY WITH INTERNATIONAL LAW.

7. UK DEL SUGGESTED REMOVING WORD "CORRESPONDING" IN TEXT II AND GENERALIZING TEXT BY ADDING "OBLIGATIONS" TO "RIGHTS AND RESPONSIBILITIES" SO THAT ALL LEGAL TREATIES, AGREEMENTS, AND ARRANGEMENTS OF ALL PARTICIPANTS WOULD BE COVERED. BLECH THOUGHT THIS SOLUTION WAS WORTHY OF CONSIDERATION, AND FRENCH DEL THEN CIRCULATED NEW TEXT AS FOLLOWS: BEGIN TEXT. THE PARTICIPATING STATES NOTE THAT THE PRESENT (TITLE OF DOCUMENT) CANNOT AND WILL NOT EFFECT THE RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE PARTICIPANTS, NOR THE TREATIES, AGREEMENTS OR ARRANGEMENTS IN CONFORMITY WITH INTERNATIONAL LAW WHICH REFLECT THEM, PREVIOUSLY CONCLUDED BY THE PARTICIPANTS OR WHICH CONCERN THEM. END TEXT.

8. IT WAS AGREED THAT ALL DELS WOULD REFER ABOVE TEXT TO CAPITALS AND US WOULD SEEK FURTHER INSTRUCTIONS AS TO TEXT I. ACTION REQUESTED: AUTHORIZATION TO ACCEPT ABOVE TEXT IF OTHERS AGREE AND, IF NECESSARY TO MEET FRG CONCERNS, AUTHORIZATION ALSO TO ACCEPT TEXT I. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COLLECTIVE SECURITY, FOREIGN POLICY POSITION, BERLIN QUADRIpartite MATTERS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA07185
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740344-0634
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974119/aaaaagts.tel
Line Count: 142
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) BONN 17872 B. GENEVA 6933 C) STAT, E 253746
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 08 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 MAY 2002 by boyleja>; APPROVED <17 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE: QUADRIpartite RIGHTS DISCLAIMER
TAGS: PFOR, XG, CSCE, (GENSCHER), (SAUVAGNARGUES)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005